

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**RECEIVED****UNITED STATES DISTRICT COURT**

FEB 04 2019

for the

TONY R. MOORE CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA  
BY [Signature]Jeffery L. Alexander  
*Petitioner*

v.

Case No. 2:18-cv-01457  
*(Supplied by Clerk of Court)*United States of America  
*Respondent**(name of warden or authorized person having custody of petitioner)***PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: Jeffery L. Alexander  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: FCI Oakdale 1, Louisiana  
(b) Address: P.O. Box 5000  
Oakdale, Louisiana 71463  
(c) Your identification number: 17560-035
3. Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☐ Other - explain:  
\_\_\_\_\_
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: United States District Court  
Western District of Louisiana  
(b) Docket number of criminal case: 5:15-cr-00066  
(c) Date of sentencing: February 16, 2016  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☒ Other (explain): Conviction to Count Three; 18 Title U.S.C. §924(c)

## 6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: N/A
- (b) Docket number, case number, or opinion number: N/A
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
N/A
- (d) Date of the decision or action: N/A

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: N/A8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal:

N/A9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal:

N/A10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: Reach of a statutory provision not cognizable under a §2255 proffering where no retroactive avails. Petition is an actual innocence claim.

## 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: N/A

(b) Date of the removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No



If "Yes," provide:

(1) Date of filing: N/A

(2) Case number: N/A

(3) Result: N/A

(4) Date of result: N/A

(5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing: N/A

(3) Case number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: N/A

(b) Name of the authority, agency, or court: N/A

(c) Date of filing: N/A

(d) Docket number, case number, or opinion number: N/A

(e) Result: N/A

(f) Date of result: N/A

(g) Issues raised: N/A

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Whether a concealed firearm discovered at a controlled drug sting operation is held to have furthered a drug trafficking crime.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

See Supporting Brief

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

**GROUND TWO:** N/A

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

N/A

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

**GROUND THREE:** N/A

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

N/A

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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**GROUND FOUR:** N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

N/A

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

**Request for Relief**

15. State exactly what you want the court to do: Overturning of Count three conviction.

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

November 21, 2018

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: November 21, 2018

Jeffery L. Alexander  
Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any



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FEB 04 2019

TONY R. MOORE CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA  
BY CMH

Jeffery L. Alexander  
Reg. No. 17560-035  
FCI Oakdale 1  
P.O. Box 5000  
Oakdale, Louisiana 71463

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January 28, 2019

Clerk of the Court  
United States District Court  
Western District of Louisiana  
300 Fannin Street  
Suite 1167  
Shreveport, Louisiana 71463

RE: Reissue of Court Documents

Dear Sir;

Reissuance of the enclosed court documents are forwarded so as this Honorable Court may proceed with the matter filed under Civil Case No. 2:18-cv-01457 Jeffery L. Alexander v. United States of America. Should further information become necessary to be issued, I stand ready to comply. Thank you in advance for your time and attention in processing this important legal matter.

Respectfully Submitted,

Jeffery L. Alexander

Enclosure